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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/675,967

10/02/2003

Sung Uk Moon

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22850

7590

08/21/2006

EXAMINER

NGUYEN, SIMON

C. IRVIN MCCLELLAND

OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.

1940 DUKE STREET

ALEXANDRIA, VA 22314

ART UNIT

PAPER NUMBER

2618

DATE MAILED: 08/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/675,967

Applicant(s)

MOON ET AL.

Examiner

SIMON D. NGUYEN

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 7-9 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 7-9 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukui et al. (2004/0248579) in view of Koo et al. (20020071407).

Regarding claim 1, Fukui discloses a mobile system for transmitting a data signal from a BS to a MS (fig.11), wherein the BS comprises a signal transmitter (fig.1) configured to transmit and retransmit the data signal to the mobile station within a predetermined period (figs 1, 2, 5, 7-8, 10, 13); wherein the mobile station (fig.4) comprises; a receiving processor (inherently) configured to carry out receiving processing of data signal within the predetermined period; a quality detector for detecting a communication quality; and a reception processing decider for decide a processing method in accordance with the quality detection result (figs.2, 4-5, 7, 10, paragraph 23, 34, 52, 84, 89, 103-104). However, Fukui does not specifically disclose the retransmission of data is in a different form.

Koo discloses a method for transmitting/retransmitting data from a BS to a MS, wherein the BS retransmits data at a different form (rate) (abstract, figs.4-5, paragraphs 77-82). Therefore, it would have been obvious to one skilled in the art at the time the

invention was made to have Fukui, modified by Koo in order to prevent the repeat of retransmitting a data signal.

Regarding claim 2, this claim is rejected for the same reason as set forth in claim 1.

Regarding claim 3, this claim is rejected for the same reason as set forth in claim 1.

Regarding claim 7, Fukui further discloses wherein the reception processing method decider for deciding whether or not to receive data in accordance with the quality detection result (fig.4, paragraphs 17, 34, 86-87).

Regarding claim 8, Koo further discloses the step of decoding the packet or data (paragraphs 8, 10, 12, 14, 25).

3. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fukui et al. (2004/0248579) in view of Koo et al. (20020071407), and further in view of Ue (20010071407).

Regarding claim 9, the modified Fukui does not specifically disclose the detector for detecting a S/N and power.

Ue discloses detectors for detecting a S/N and power (fig.4). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have modified Fukui, modified by Ue in order to improve transmission/retransmission signal.

Response to Arguments

4. Applicant's arguments with respect to claims 1-3, 7-9 have been considered but are moot in view of the new ground(s) of rejection.

The new art issued to Fukui, Koo et al., and Ue et al. discloses all limitations cited in the claimed invention, wherein Koo discloses a different channel used for retransmitting the data signal and wherein Ue disclose the different data rate for retransmitting the data signal, which means both disclose the different form for retransmitting the data signal (see the rejection above).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ue discloses a method for transmitting/retransmitting data from a BS to a MS, wherein the BS retransmits data at a different form (rate) (abstract, paragraphs 56-57, 62-63).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Simon Nguyen whose telephone number is (571) 272-7894. The examiner can normally be reached on Monday-Friday from 7:00 AM to 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward F. Urban, can be reached on (571) 272-7899.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 306-0377.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
600 Dulany, Alexandria, VA 22314

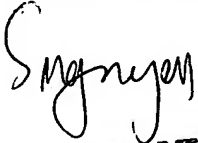
Or faxed to:

(571) 273-8300 (for formal communications intended for entry)

Hand-delivered response should be brought to Customer Service Window located at the Randolph Building, 401 Dulany, Alexandria, VA, 22314.

Simon Nguyen

August 14, 2006


SIMON NGUYEN
PRIMARY EXAMINER